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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**In re:  
PG&E CORPORATION,**

**- and -**

**PACIFIC GAS AND ELECTRIC  
COMPANY,**

**Debtors.**

- ☐ Affects PG&E Corporation  
☐ Affects Pacific Gas and Electric Company  
☒ Affects both Debtors

\* All papers shall be filed in the Lead Case, No.  
19-30088 (DM).

) Bankruptcy Case No. 19-30088 (DM)

)

) Chapter 11

) (Lead Case) (Jointly Administered)

)

) **EX PARTE APPLICATION FOR ORDER  
PURSUANT TO B.L.R. 9013-1(c)**

) **AUTHORIZING OVERSIZE BRIEFING**

) **FOR SECURITIES LEAD PLAINTIFF'S**

) **REPLY IN FURTHER SUPPORT OF**

) **MOTION TO APPLY BANKRUPTCY**

) **RULE 7023 AND CERTIFY A LIMITED**

) **CLASS**

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[No hearing requested]

EX PARTE APPLICATION FOR ORDER

CASE No. 19-30088 (DM)

1 Public Employees Retirement Association of New Mexico (“**Securities Lead Plaintiff**”  
2 or “**PERA**”), the court-appointed lead plaintiff in the securities class action captioned as *In re*  
3 *PG&E Corporation Securities Litigation*, Case No. 18-03509 (the “**Securities Litigation**”)  
4 pending in the U.S. District Court for the Northern District of California (the “**District Court**”),  
5 on behalf of itself and the proposed class it represents in the Securities Litigation (the “**Class**”),  
6 together with York County on behalf of the County of York Retirement Fund, City of Warren  
7 Police and Fire Retirement System, and Mid-Jersey Trucking Industry & Local No. 701 Pension  
8 Fund, hereby submit this Ex Parte Application (the “**Application**”), pursuant to Rule 9013-1(c)  
9 of the Bankruptcy Local Rules for the United States District Court for the Northern District of  
10 California (the “**Bankruptcy Local Rules**”), for an order authorizing the Securities Lead  
11 Plaintiff to file an oversized brief in connection with the Securities Lead Plaintiff’s Reply in  
12 Further Support of the Motion to Apply Bankruptcy Rule 7023 and Certify a Limited Class (the  
13 “**Reply**”).

## 14 MEMORANDUM OF POINTS AND AUTHORITIES

### 15 I. JURISDICTION

16 The Court has jurisdiction to consider this matter under 28 U.S.C. §§ 157 and 1334, the  
17 *Order Referring Bankruptcy Cases and Proceedings to Bankruptcy Judges*, General Order 24  
18 (N.D. Cal.), and Bankruptcy Local Rule 5011-1(a). This is a core proceeding under 28 U.S.C. §  
19 157(b). Venue is proper before the Court under 28 U.S.C. §§ 1408 and 1409.

### 20 II. BACKGROUND

21 On January 29, 2019, the Debtors commenced voluntary cases for relief under chapter 11  
22 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of  
23 California. On June 20, 2020, this Court entered the Order [Dkt. No. 8053] confirming the  
24 *Debtors’ and Shareholder Proponents’ Joint Chapter 11 Plan of Reorganization Dated June 19,*  
25 *2020* [Dkt. No. 8048] (as it may be amended, modified, or supplemented and together which any  
26 exhibits or schedules thereto, the “**Plan**”). The Plan became effective on July 1, 2020 [Docket  
27 No. 8252] (the “**Effective Date**”).  
28

On September 28, 2020 Securities Lead Plaintiff filed its Motion to Apply Bankruptcy Rule 7023 and Certify a Limited Class. [Dkt. No. 9152]. On October 29, 2020, Reorganized Debtors filed their Objection to Securities Lead Plaintiff's Motion to Apply Bankruptcy Rule 7023 and Certify a Limited Class. [Dkt. No. 9380]. Reorganized Debtors also filed their Reply in Further Support of the Motion to Approve Securities ADR and Related Procedures. [Dkt. No. 9378]. The Reorganized Debtors' briefing was in excess of the page limit provided by the Local Rules. Concurrent with their briefing, Reorganized Debtors also filed an Ex Parte Application seeking authorization of its already filed oversized briefing. [Dkt. No. 9380]. Thereafter, this Court granted the application, permitting Reorganized Debtors to file an Objection not to exceed 34 pages, as well as a Reply not to exceed 28 pages. [Dkt. No. 9386].

### **III. OVERSIZE BRIEFING FOR THE REPLY IS WARRANTED**

As the Court is aware, the Reorganized Debtors filed briefing well in excess of the Local Rules. Bankruptcy Local Rule 9013-1(c) provides that, "[u]nless the Court expressly orders otherwise, the initial and response memoranda of points and authorities shall not exceed 25 pages of text, and reply memorandum shall not exceed 15 pages of text." B.L.R. 9013-1(c). To fairly and adequately respond to Reorganized Debtors' arguments raised in their oversized *Opposition to the Motion to Apply Bankruptcy Rule 7023 and Certify a Limited Class*, Securities Lead Plaintiff requests additional briefing in the Reply.

Securities Lead Plaintiff submits that sufficient cause exists for the Court to allow oversize briefing. The process for resolving the Securities Claims at issue is a highly contested matter; Reorganized Debtors' *Objection to the Motion to Apply Bankruptcy Rule 7023 and Certify a Limited Class* exceeded the Local Rules by 9 pages (exclusive of any schedules or exhibits), and their *Reply in Further Support of the Motion to Approve Securities ADR and Related Procedures for Resolving Subordinated Securities Claims* exceeded the Local Rules by 13 pages. Accordingly, Reorganized Debtors' sought 24 pages of briefing in excess of the Local Rules on the pertinent issues, before the Court ordered such excess briefing was permitted. Securities Lead Plaintiff is requesting no more pages for its Reply brief than Reorganized Debtors requested, and received, for their Reply brief. Securities Lead Plaintiff notes that,

1 although Reorganized Debtors had 24 days to complete their Reply brief (responding to  
2 Securities Lead Plaintiff's *undersized* Objection), Securities Lead Plaintiff had only 13 days to  
3 respond to Reorganized Debtors' *oversized* Objection.

4 In their excess pages of briefing, Reorganized Debtors raised, among other things, legal  
5 arguments related to *res judicata*, law of the case, and importantly, the court's jurisdiction.  
6 Furthermore, Reorganized Debtors argue that an "irreconcilable" conflict of interest may arise  
7 between members of the putative Securities Litigation class and the proposed Bankruptcy Class.  
8 Securities Lead Plaintiff disputes that these issues are controlling and believes that they lack  
9 merit, but nevertheless requires briefing in excess of the 15 pages to address Reorganized  
10 Debtors' arguments.

11 Accordingly, Securities Lead Plaintiff believes it is appropriate to request authority for  
12 the Reply to exceed the 15 pages allowed under Bankruptcy Rule 9013-1(c).

13 **IV. NOTICE**

14 Notice of this Application will be provided to: (i) the Office of the U.S. Trustee for  
15 Region 17 (Attn: Andrew R. Vara, Esq. and Timothy Laffredi, Esq.); (ii) all counsel and parties  
16 receiving electronic notice through the Court's electronic case filing system; and (iii) those  
17 persons who have formally appeared in these Chapter 11 Cases and requested service under  
18 Bankruptcy Rule 2002. Securities Lead Plaintiff respectfully submits that no further notice is  
19 required.

20 No previous request for the relief sought herein has been made by the Securities Lead  
21 Plaintiff to this or any other court.

22 **WHEREFORE**, Securities Lead Plaintiff respectfully requests entry of an order  
23 authorizing the Securities Lead Plaintiff to file and serve the Reply in excess of 15 pages, but not  
24 to exceed 28 pages (exclusive of any schedules or exhibits thereto and/or any declarations filed  
25 in connection therewith)

26 Dated: November 11, 2020

Respectfully submitted,

27 **MICHELSON LAW GROUP**

28 By: /s/ Randy Michelson  
Randy Michelson (SBN 114095)

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*Local Bankruptcy Counsel to Lead Plaintiff and the Class*

- and -

**LABATON SUCHAROW LLP**

*Lead Counsel to Lead Plaintiff and the Class*

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**LOWENSTEIN SANDLER LLP**

*Special Bankruptcy Counsel to Lead Plaintiff and the Class*

- and -

**WAGSTAFFE, VON LOEWENFELDT, BUSCH & RADWICK, LLP**

*Liaison Counsel for the Class*

- and -

**ROBBINS GELLER RUDMAN & DOWD LLP**

*Counsel for the Securities Act Plaintiffs*

- and -

**VANOVERBEKE, MICHAUD & TIMMONY, P.C.**

*Additional Counsel for the Securities Act Plaintiffs*